

Exhibit 4

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 THOMAS HARTMANN,

5 Plaintiff,

6 -against-

Docket No.
04CV1784
(ILG) (CLP)

7
8 THE COUNTY OF NASSAU, NASSAU COUNTY
9 POLICE DEPARTMENT, POLICE OFFICER KARL
10 N. SNELDERS, POLICE OFFICER MICHAEL
11 KNATZ, DEPUTY INSPECTOR ROBERT TURK,
12 LIEUTENANT THOMAS ZAMOJCIN, POLICE
13 OFFICER "JOHN" SMITH, POLICE OFFICER
14 "JOHN" BRADY, DETECTIVE BARRY O.
15 FRANKLIN, POLICE OFFICER THOMAS O.
16 McCAFFREY and "JOHN and JANE DOES 1-15"
17 representing as yet unknown and
18 unidentified police officers.

19 Defendants.

20 One West Street
21 Mineola, New York
22 March 8, 2005
23 10:30 a.m.

24 DEPOSITION of THOMAS PAUL HARTMANN,
25 s/h/a THOMAS HARTMANN, the Plaintiff herein, taken
by the Defendant, pursuant to Federal Rules of
Civil Procedure, held at the above-mentioned time
and place, before Claudia DiStefano, a Notary
Public of the State of New York.

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A P P E A R A N C E S:

DANIEL J. HANSEN, ESQ.

Attorney for Plaintiff
233 Broadway, Fifth Floor
New York, New York 10279

LORNA B. GOODMAN, Nassau County Attorney

Attorney for Defendants excluding "John"
Smith, "John" Brady, and "John and Jane Does
1-15"
One West Street

Mineola, New York 11501

BY: BETH O'NEILL, Deputy County Attorney

A L S O P R E S E N T:

CARL SANDEL, Deputy County Attorney
RICHARD CARBONE, County of Nassau
(videographer)

1
2 IT IS HEREBY STIPULATED AND AGREED by and
3 among counsel for the respective parties hereto,
4 that the sealing and certification of the within
5 deposition shall be and the same are hereby waived;

6 IS FURTHER STIPULATED AND AGREED that all
7 objections, except to the form of the question,
8 shall be reserved to the time of the trial;

9 IS FURTHER STIPULATED AND AGREED that the
10 within deposition may be signed before any Notary
11 Public with the same force and effect as if signed
12 and sworn to before the Court.

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T H O M A S P A U L H A R T M A N N, after
having first been duly sworn by a Notary
Public of the State of New York, was
examined and testified as follows:

EXAMINATION BY

MS. O'NEILL:

Q Would you please state your name for
the record.

A Thomas Paul Hartmann.

Q What is your present home address?

A 290 Collins Avenue, Apartment 8-C,
Mount Vernon, New York 10552.

MS. O'NEILL: Good morning,
Mr. Hartmann. My name is Beth
O'Neill. I am a Deputy County
Attorney with the Nassau County
Attorney's office.

I will be asking you some
questions today with regard to the
incident that occurred on March 12,
2004 and some other information that
we need to get from you today. If at
any time you don't understand any of
our questions, please let me know

1 T. Hartmann

2 make?

3 A I'm not sure.

4 Q Did you speak to her during any of
5 those times?

6 A No, I did not.

7 Q Did you leave any messages?

8 A I don't recall.

9 Q After leaving Manhattan, did you make
10 any other stops?

11 A No.

12 Q Did you go straight to your brother's
13 house?

14 A Yes.

15 Q On Brower Avenue?

16 A Yes.

17 Q What time did you arrive there?

18 A I guess about quarter to 4 maybe.

19 Q Was it still light out when you
20 arrived?

21 A Yes, it was.

22 Q What was the weather like?

23 A Clear.

24 Q Were there any passengers in your
25 vehicle when you went to your brother's house?

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T. Hartmann

A No.

Q Did you still have your cell phone on you?

A Yes.

Q What happened when you arrived at your brother's house?

A I was getting out of the truck and I seen the cops across the street, and I just started my truck back up and took off.

Q Where did you park your truck?

A I don't know the name of the block, Sunnyside Street. My brother lives on the corner.

Q Which side of the street did you park on?

A I parked on the east side.

Q Can you tell me the route that you took from the point when you traveled from Manhattan up until you got to Brower Avenue?

A I came over the 59th Street Bridge, took that to the LIE, and took it to the Cross Island. Then I took it to the Southern State, Ocean Avenue, and I can't give you the exact streets but it goes into like Brower Avenue, going down into Brower Avenue.

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T. Hartmann

Q Did you turn off Brower Avenue onto
Sunnyside?

A Yes.

Q Did you make a left?

A Made a left.

Q Did you turn your vehicle around or
did you stay traveling in that direction?

A I stayed pointing left.

Q What side of the street did you park
on?

A East side of the street, right side.

Q When you say the right side, are you
talking about your right?

A Yes, of the truck.

Q That was on Sunnyside?

A Yes.

Q Did you park on the side of the
house, front of the house, or something else?

A Side of the house.

Q Did you exit the vehicle?

A Almost. I opened the door and stepped
out.

Q Did you close the door behind you?

A No, I did not.

T. Hartmann

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Q What did you observe with regard to the police officers?

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A I seen them across the street, starting to come this way.

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Q When you say across the street, which street?

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A Brower Avenue.

Q Did you see them in a vehicle?

A Yes.

Q Did you see them making a left onto Sunnyside?

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A Yes.

Q Can you describe the vehicle?

A It was, I think, a blue Chevy Lumina, not exactly sure.

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Q How did you know they were police officers?

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A Because they had a red light on in the thing.

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Q Were there any sirens?

A Not at that time.

Q How many police officers were in the vehicle?

A Two.

T. Hartmann

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Q Did they come up to you while you were standing outside the vehicle?

A No.

Q How far was the vehicle from your vehicle when you were standing outside the vehicle?

A It was across Brower Avenue. I'd say it had to be 70 feet maybe, I can't tell you at that point.

Q Did you get back in the vehicle?

A They were coming over. Cars were waiting, and they were starting to come that way.

Q They were making the left?

A Yes.

Q You got back into your vehicle?

A Yes.

Q Did you have any conversations with any of the police officers in and around the Brower Avenue vicinity?

A No.

Q To your knowledge, were there any guns being held at the Brower Avenue address?

A I don't know. No.

Q When you saw the officers in the vehicle making the left, why did you get back in

T. Hartmann

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the car?

A Because I knew they were after me.

Q Did you make any threats to the police officers in and around the Brower Avenue vicinity?

A No, I did not.

Q Now, when you got back into your car after observing them making the left, what did you do?

A Started the car and took off.

Q Where did you go?

A I went down the block.

Q When you say down the block, are you talking about down Sunnyside?

A Yes.

Q North direction?

A Yes.

Q Where did you go from there?

A I couldn't give you the exact location, but I just took off, I mean drove.

Q Do you know the route that you traveled?

A Not offhand, no.

Q Do you know any of the streets that

T. Hartmann

you traveled on?

A No.

Q Where were you going?

A I was just trying to get away from the police.

Q Can you tell me what was the highest rate of speed that you accelerated to during that time?

A Maybe 50, 60.

Q Did you stop for any stop signs or traffic lights?

A No.

Q Were there any traffic lights or stop signs that you went through?

A Not that I recall, no.

MS. O'NEILL: Off the record.

(Discussion held off the record.)

Q Did there come a point when you brought your vehicle to a stop?

A Yes.

Q Where was that?

A Allen Avenue.

Q Why did you stop your car there?

A Because I was trying to get away from

1 T. Hartmann

2 the cops. Just stop -- no reason, because I
3 couldn't outrun them in the truck.

4 Q So what was your intention at that
5 point?

6 A Get out and run.

7 Q Do you know the area where you
8 brought your vehicle to a stop?

9 A I know it's Allen Avenue. I don't
10 know.

11 Q Do you know anyone that lives in that
12 area?

13 A No, I do not.

14 Q At the time, did you know of anyone
15 that lived in that area?

16 A No, I do not.

17 Q Now, when you brought your vehicle to
18 a stop, can you describe where you brought it to a
19 stop?

20 A On the side of the road. I mean I --

21 Q Did you bring the vehicle to a stop
22 in front of a residence?

23 A Yes.

24 Q Do you know the address of the
25 residence where you brought your vehicle to a stop

T. Hartmann

in front of?

A No, I do not.

Q Would you describe the area on Allen Avenue where you stopped as a residential area?

A Yes.

Q What happened after you brought the vehicle to a stop?

A I jumped out.

Q When you jumped out of the vehicle, did you notice where the police car was at that point?

A Behind the truck, behind my truck.

Q Behind your truck?

A Yes.

Q Did you observe the police vehicle behind you for the entire point, from the point you left Brower Avenue to the point where you stopped on Allen Avenue?

A I didn't observe them behind me. I mean I heard the sirens.

Q Other than the police vehicle that you observed on Brower Avenue with the red light, did you observe any other police vehicles in the vicinity of Allen Avenue when you brought your

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vehicle to a stop?

A No, I did not.

Q Approximately how far behind your truck was the police vehicle when you jumped out on Allen Avenue?

A I don't recall.

Q During the time from when you left Brower Avenue up until the point when you stopped on Allen Avenue, did you make any calls on your cell phone?

A No, I did not.

Q Did you receive any calls on your cell phone?

A No, I did not.

Q In and around the area of Brower Avenue, before you got back in your car and took off, did you hear the police officers say anything to you?

A No, I did not.

Q When you jumped out of the car on Allen Avenue, where did you go?

A I went to the front of my truck.

Q At any point after you jumped out of your vehicle on Allen Avenue, did you run toward

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T. Hartmann

the police vehicle?

A No, I did not.

Q Did you have any discussions with any
of the police officers in and around the Allen
Avenue vicinity --

A No.

Q -- after you jumped out of the
vehicle?

A No, I did not.

Q Did you say anything to them?

A No, I did not.

Q Did they say anything to you?

A No, they did not.

Q Were any words spoken by either you
or the police officers from the time when you
jumped out of the vehicle on Allen Avenue up until
the point when you were struck by the vehicle?

A No.

Q Did you make any threats to the
police officers in and around that area?

A No, I did not.

Q Did you ever indicate to the police
that they better shoot you or you'll shoot them?

A Never.

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T. Hartmann

Q At the point when you got out of the car and you moved to the front of your car, where were your hands?

A At my side.

Q At any point, were either of your hands gesturing down the front of your pants or any part of your pants?

A No.

Q Did you at any point from while you were in the vicinity of Allen Avenue make any threatening gestures with your hands?

A No.

Q During any of the time while you were in the vicinity of Allen Avenue, did you put your hand down your pants?

A No.

Q Approximately how long after you stopped the vehicle on Allen Avenue did you get out?

A Instantly, two seconds.

Q Approximately how long did it take you to get to the front of the vehicle?

A Maybe another two seconds.

Q Was that the first place you went

1 T. Hartmann

2 after you got out of the car?

3 A Yeah.

4 Q Why did you go to the front of the
5 vehicle?

6 A Because I was running.

7 Q Did you stop at any time point near
8 the front of the vehicle?

9 A No, I did not.

10 Q Where were you running to?

11 A Just running away from the cops, to
12 the sidewalk.

13 Q Did there come a time that you were
14 struck by the motor vehicle?

15 A Yes.

16 Q Were you struck by the motor vehicle
17 that you described earlier as the blue Chevy
18 Lumina?

19 A Yes.

20 Q What part of your body was struck?

21 A My legs.

22 Q How many impacts were there between
23 you and that vehicle?

24 A I mean I was hit once, knocked down,
25 and then run over by the front and the back tires.

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T. Hartmann

Q Did you actually see the front and back tires run you over?

A No, I did not.

Q When you say you were hit once and knocked down, what part of your body were you hit?

A My legs.

Q Which legs?

A Both legs.

Q And after that initial impact did you fall to the ground?

A Yes.

Q Where did you fall to the ground?

A On the sidewalk and grass area.

Q When you say both legs were hit in the first impact, what part of your legs, the front, the knees, the back, something else?

A Back of my legs, lower part of my legs.

Q When you were hit that first time in your legs, were you moving?

A Yes.

Q Were you running?

A Yes.

Q What part of the vehicle came in

1 T. Hartmann

2 contact with your legs?

3 A I guess it was the front bumper. I'm
4 not sure.

5 Q Where were you located when you were
6 struck?

7 A I was on the grass, like up on the
8 curb, the grass from the curb.

9 Q Did this happen in front of a home?

10 A I imagine, yeah, I guess, there's
11 houses there.

12 Q Were there sidewalks in that area?

13 A Yes.

14 Q When you were hit the first time and
15 knocked down, were you standing in the grassy area
16 between the sidewalk and the curb?

17 A Yes.

18 MR. HANSEN: Note my
19 objection to form, "standing."

20 A I was running, yes.

21 MS. O'NEILL: Was that your
22 objection, counselor?

23 MR. HANSEN: Yes. And also
24 the form of the question.

25 Q Well, when you were struck by the

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T. Hartmann

vehicle for the first time, where were you positioned?

A I was up on the curb, running, on the grass of the curb. Because there's like curb and then there's the grass, sidewalk, and then more grass. I was on the grass.

Q What direction were you facing?

A I was facing south.

Q Were you facing the direction of a house or something else?

A I mean from what I seen, yeah, it was house.

Q Can you describe the house that you were facing?

A No, I cannot.

Q Do you know what color it was?

A No.

Q Where were you running to?

A Away from the cops.

Q Do you know what direction you were running?

A South.

Q Do you know what side streets or intersecting roadways are in the area of Allen

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T. Hartmann

Avenue where this incident took place?

A No, I do not.

Q If you were facing the house that was near the area where you parked the car, were you running to your left or to the right?

A I don't understand it.

Q You indicated that you parked your car in front of a residence; is that correct?

A I park it in the street. I'm not sure if it was a resident's house. I mean, it's a residential area.

Q Were you running in a direction that was away from your vehicle?

A Yes.

Q So as you were running was your back towards your vehicle?

A Yes.

Q Where were you planning on running to?

A I don't know, to get away from the cops.

MS. O'NEILL: Off the record.

(Recess taken.)

BY MS. O'NEILL:

1 T. Hartmann

2 Q In and around the area of Allen
3 Avenue, before you were struck by the vehicle, did
4 you make any threatening gestures with your hands
5 to indicate that you were carrying a weapon?

6 A No, I did not.

7 Q In that time on March 12, 2004, when
8 this incident occurred, were you carrying any guns
9 on your body?

10 A No, I was not.

11 Q Were you carrying any guns in your
12 vehicle?

13 A No, I was not.

14 Q Were you carrying any other sort of
15 weapon on your body or in your vehicle?

16 A No, I was not.

17 Q From the point when you left Brower
18 Avenue up until the point you came to a stop on
19 Allen Avenue, can you tell me the distance that you
20 traveled?

21 A Possibly a mile.

22 Q A mile, you said?

23 A Approximately.

24 MS. O'NEILL: Mark this
25 photograph (producing).

1 T. Hartmann

2 (Defendants' Exhibit B,
3 photograph, was marked for
4 identification.)

5 Q I'm going to show you what's been
6 marked as Defendants' Exhibit B. Take a look at
7 that photograph.

8 A Okay.

9 Q Do you recognize your vehicle in that
10 photograph?

11 A Yes.

12 Q Does that photograph fairly and
13 accurately depict the area where you parked your
14 vehicle on Allen Avenue?

15 A Yes, it does.

16 Q Going back to the point where your
17 legs were struck by the car.

18 A Yes.

19 Q Was there any other impact between
20 you and the vehicle after that impact?

21 A After my legs were struck?

22 Q Yes.

23 A Yes.

24 Q Describe that impact.

25 A Rolling over. The car rolled over me.

1 T. Hartmann

2 Q Did you actually see the car roll
3 over you?

4 MR. HANSEN: It's been asked
5 and answered.

6 A No, I did not see it. I felt it.

7 Q How many wheels did you feel roll
8 over you?

9 A I felt two.

10 Q Can you estimate the speed with which
11 that vehicle rolled over your legs?

12 A No, I could not.

13 Q How was your body positioned when the
14 vehicle rolled over your legs?

15 A On the ground.

16 Q Were you face down, on your back, on
17 your side, or something else?

18 A I don't recall.

19 Q Approximately how long after your
20 legs were struck the first time did the rolling
21 over occur?

22 A Instantly.

23 Q Do you know where in relation to the
24 sidewalk and the grass and the curb, in that area,
25 your body was when the vehicle rolled over you?

1 T. Hartmann

2 A I mean I couldn't say, you know,
3 between grass and sidewalk. I saw concrete, felt
4 concrete, and the grass.

5 Q In looking at the photograph marked
6 as Defendants' Exhibit B, are you able to identify
7 the area where you were when the vehicle rolled
8 over you?

9 A I mean, I could -- up here, where
10 that blood is (indicating).

11 Q Pointing to the area where there's a
12 bloody area.

13 A Yes.

14 Q Is that where you were positioned
15 when the vehicle rolled over you?

16 A Yes.

17 Q Were you actually on the sidewalk, on
18 the grass, or something else?

19 A I mean, it's -- I was in between, I
20 guess, the grass and the sidewalk. I don't recall
21 exactly where I was when I was being rolled over. I
22 recall where I was hit.

23 Q Did the vehicle roll over both your
24 legs, or one of your legs, or something else?

25 A Both of my legs.

T. Hartmann

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Q What part of your legs?

A I guess it's going to be the knees
and the lower legs, the knees.

Q Do you know for sure?

A No, I do not.

Q At any point when you were in the
vicinity of Allen Avenue did you hear any of the
officers tell you to stop?

A No, I did not.

Q At any point when you were in the
area of Allen Avenue did you hear any of the
officers tell you to raise your hands?

A No, I did not.

Q In the vicinity of Allen Avenue, did
you ever hear the officers tell you to show your
hands?

A No, I did not.

Q Approximately how far were you from
your vehicle when you were struck for the first
time?

A Approximately 15 feet.

Q Looking again at Defendants' Exhibit
B, can you tell me the area that you were when you
were struck the first time?

1 T. Hartmann

2 A Approximately right about here
3 (indicating).

4 Q Pointing to the area where the blood
5 is --

6 A Exactly.

7 Q But were you in and around the area
8 of the grass that's in front of that bloodstain or
9 something else?

10 A I really, you know, I can't say.

11 MR. HANSEN: She wants to
12 know if you were by the curb, on.

13 A I was on top of that curb. Yes, I was
14 in the grass then when I initially got hit.

15 Q See in the photograph there is a
16 yellow marker there?

17 A Yes.

18 Q You see the area where the yellow
19 marker is?

20 A Yes.

21 Q Where were you in relation to that
22 yellow marker when you were struck the first time?

23 A I was approximately up on the curb,
24 right here, where the grass mark is (indicating).

25 Q Are you indicating behind the yellow

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T. Hartmann

marker?

A Yes.

Q And on the curb, right?

A Yes.

Q Looking at this photograph again, can you tell me what direction you were running? There's a red house depicted in the photograph, there's a blue house depicted in this photograph. Can you tell from this photograph what direction you were running?

A Yes. I was running towards them houses.

Q Toward which house?

A I guess on the grass up here, I guess south.

Q Running towards the red house, the blue house, or something else?

A In between them, up that way, yes. I mean, I wasn't purposely running towards a blue or red house. I was just running up that way, in that direction.

Q Did you lose consciousness at any point where you were struck by the vehicle?

A Yes, I did.

1 T. Hartmann

2 Q At what point?

3 A I don't -- I mean -- I was in and out
4 of consciousness. I lost it and regained it and
5 lost it.

6 Q Were you conscious when the vehicle
7 rolled over your legs?

8 A Yes.

9 Q Did you feel pain to any part of your
10 body after the impact?

11 A Yes, I did.

12 Q What parts of your body?

13 A My legs.

14 Q Anyplace else?

15 A No, I did not.

16 Q Did you make any observation of
17 whether there was blood leaving any part of your
18 body?

19 A No, I did not.

20 Q Did you have any conversations with
21 the police officers after you were struck?

22 A No, I couldn't recall.

23 Q Did any other police officers arrive
24 at the scene?

25 A I mean -- not that I recall.